

Remarks:

Claims 1-53 stand rejected. Claim 53 has been cancelled without prejudice or disclaimer. Applicants request reconsideration in view of the following remarks.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Action asserted that in claims 28-30, the limitations that the water and wind-resistant, breathable material is comprised of polyesters, polyurethanes, polyolefins, copolyether-polyester, polyether polyurethane, is not supported in the specification.

Applicants submit that the above amendment to the specification renders moot this rejection

Claims 27-34 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the rejection, the Examiner recognized that the claimed invention is not limited to ePTFE being present as a substrate, but the rejection was maintained because the claims do not limit the flock, or the substrate, to ePTFE. Applicants respectfully traverse this rejection.

As acknowledged by the Examiner, the substrate may comprise materials other than ePTFE (See, for example, page 7, line 26, through page 8, line 5, and also claims 28-30). Applicants direct the Examiner's attention to,

for example, page 8, line 11, through page 9, line 8, for specific disclosure of certain exemplary flock materials which may be used in accordance with the present invention. This portion of the specification provides clear support for the flock material being materials other than ePTFE.

In view of the above, applicants submit that the specification clearly provides support for substrates other than ePTFE, as well as flock materials other than ePTFE. Accordingly, applicants respectfully request that this rejection be withdrawn.

Claim 53 was rejected under 35 U.S.C. §102(b) as being anticipated by Henn et al. Claim 53 has been cancelled without prejudice or disclaimer. (Applicants reserve the right to pursue this claim in a continuation application.) Accordingly, this rejection has been rendered moot.

Claims 1-15, 17, 18, 22-26, and 49 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Henn et al. Moreover, claims 16 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view of Lumb. Claims 19, 27, 31-40, 50, and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. Claims 21 and 41-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view of Wu. Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view of Gore. Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view of Gore and Aumann. Claim 30 was

rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view of Ragan. Finally, claims 44-48 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view of Minor. Applicants respectfully traverse the above rejections.

All of the above rejections have as their basis the Examiner's conclusion that Henn et al. does not explicitly teach "abrasion-to-leakage values," but that it is reasonable to presume that such values are inherent to the invention of Henn. The Examiner asserts that support for this presumption is found in the analogous (a) substrate materials, in particular ePTFE, (b) flocking materials, and (c) MVTR values. Applicants respectfully disagree with this position.

Applicants direct the Examiner's attention to Comparative Example 1 (pages 17 and 18) and Comparative Example 2 (page 18). Comparative Example 1 clearly shows analogous substrate materials and flocking materials which do not inherently result in the claimed articles having the claimed wear-test-cycles-to-leakage values. Specifically, samples 1B and 1C of Comparative Example 1 show an ePTFE membrane laminated to a polyester face fabric having nylon flock applied to the membrane. Following the Examiner's reasoning, such articles would inherently result in articles having a wear-test-cycle-to-leakage value of at least 50 cycles. But, as shown in the comparative examples, sample 1B has a wear-test-cycles-to-leakage value of 1 and sample 1C has a wear-test-cycles-to-leakage value of 3. Similarly, sample 2E and sample 2F of Comparative Example 2 also show articles comprising ePTFE

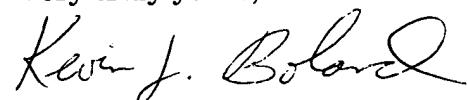
membranes (with a 50/50 poly-cotton laminate face fabric) having nylon flock applied to the membrane. The samples also result in articles having comparatively low wear-test-cycles-to-leakage values (i.e., sample 2E has a wear-test-cycles-to-leakage value of 2 and sample 2F has a value of 1.).

Thus, it cannot be concluded that the claimed wear-test-cycles-to-leakage values of the present claims are inherent to the invention of Henn. Accordingly, applicants respectfully submit that these rejections should be withdrawn.

As all of the outstanding rejections have been addressed and overcome, applicants respectfully submit that the present application is in condition for allowance. Accordingly, applicants request issuance of a notice of allowance directed toward claims 1-52.

Should the Office have any questions, the Office is invited to telephone applicants' undersigned representative.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin J. Boland".

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The sizes of the flock particulate can vary widely depending on the composition of the flock and the desired properties of the flocked articles. Exemplary sizes for the flock particulates range from 0.010 inch (0.254 mm) to 0.20 inch (5 mm) and exemplary ranges of denier (L/D) is from about 1.5 to about 20. However, depending on the desired use of the flocked articles of the present invention, the possible ranges may be even wider. Moreover, multiple sizes and/or dimensions of flock particulate may be combined in a given article to achieve a desired pattern or characteristic of the article.

In the case of flock particles which are in the form of filaments or tows, the filaments may be straight, curled, crimped or twisted to achieve a desired surface effect, although straight filaments are typically used to achieve a smooth finish to the flocked surface.

Preferred water and wind resistant, breathable materials may be comprised of polyesters, polyurethanes, polyolefins, copolyetherpolyester, or polyether polyurethane. In a particularly preferred embodiment, the water resistant, wind resistant, breathable portion of the present invention comprises an ePTFE material, thereby imparting beneficial features to the flocked materials which were heretofore unachievable. For example, the ePTFE material may be present: (1) as at least one component of the substrate to which the flocked particulate is adhered; (2) as at least one component of the flock particulate; or (3) as at least one component of both the substrate and the flock material.

A preferred ePTFE material which may be used in the present invention comprises an ePTFE membrane which includes an expanded network of polymeric nodes and fibrils made in accordance with the teachings of the United States Patents 3,953,566, 3,962,153, 4,096,227, 4,187,390 and 4,902,423. This material is commercially available in a variety of forms from W. L. Gore & Associates, Inc., of Elkton, MD, under the trademark GORE-TEX®.

As a flock particulate material, the ePTFE may have any desired size and denier required to meet a specific need. Moreover, more than one size of the ePTFE flock material may be used together to achieve a desired surface finish of the flock layer. Further, the ePTFE flock may be used in combination with other compositions of flock particulate to achieve, for example, water resistance, wind resistance, breathability and greater surface area, in combination with, for example, a specific appearance, surface texture, or the like.